

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, MARCH 14, 2005 AT 2:00 P.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**  
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- ITEM-1: ROLL CALL.
- ITEM-10: INVOCATION.
- ITEM-20: PLEDGE OF ALLEGIANCE.

**NON-AGENDA PUBLIC COMMENT**

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

### **CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT**

In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meeting, adopted on March 29, 2004, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the **Closed Session Agenda for Monday, March 14, 2005, scheduled to commence immediately following the conclusion of the regular open session meeting that day. The Closed Session may continue into Tuesday, March 15, 2005.**

**NOTE:** Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

#### **Information Item - No Action Required - The City Council shall:**

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

### **COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

#### **REQUESTS FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

**=== LEGISLATIVE SCHEDULE ===**

Adoption Agenda, Consent Items

- ITEM-50: Mesa Commons Rezone Designation for Property Located at 6456 El Cajon Boulevard. (College Area Community Plan Area. District 7.)  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 3/1/2005, Item 337, Subitem C.
- ITEM-51: Towne Centre Corporate Plaza Rezone Designation for Property Located at the Northwest Terminus of Towne Centre Drive. (University Community Plan Area. District 1.)  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 3/1/2005, Item 338, Subitem D.
- ITEM-52: Proposed Ten-Year Operating and Management Agreement for Downtown Property and Business Improvement District (PBID) Renewal. (Centre City, East Village, Cortez, Marina, Gaslamp, and Core Columbia Community Areas. District 2.)  
CITY MANAGER'S RECOMMENDATION: Introduce the ordinance.
- ITEM-100: Downtown Banner Program.  
DEPUTY MAYOR ZUCCHET'S RECOMMENDATION: Adopt the resolution.
- ITEM-101: Award of Contract to Pioneer Americas, LLC to Furnish Sodium Hypochlorite 12.5% in Solution.  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-102: Award of Contract to Kemiron Companies, Inc., to Furnish Ferrous Chloride.  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-103: Redevelopment Agency Funds for Homeless Programs.  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-104: Reprogramming of District Two and District Three Community Development Block Grant Funds. (Various Community Areas. Districts 2 and 3.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-105: Amendment No. 3 to the Agreement with Tran Consulting Engineers for Professional Services to Perform Additional Condition Assessment of Sewer Mains and Televising the East Mission Gorge Force Main.  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-106: Collection of Enterprise Zone Application Fee. (Centre City, East Village, Logan Heights, Barrio Logan, Sherman Heights, Southeastern San Diego, Encanto, San Ysidro, Otay Mesa/Nestor, and Otay Mesa Community Areas. Districts 2, 4, and 8.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-107: Task Order for MEC Analytical Systems, Inc. for Services Related to the Mission Bay Source Identification Study. (Mission Bay Community Area. Districts 2 and 6.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-108: Construction of Electronic Speed Limit Signs in Scripps Miramar Ranch. (Scripps Miramar Ranch Community Area. District 5.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-109: Water Meter Box Replacement Projects Minor Construction Program. (Various Community Areas. Districts 1-8.)  
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 2/9/2005, NR&C voted 3 to 0 to approve the item with direction for staff to provide a list of the meter box locations.
- ITEM-110: Expend Bicycle Transportation Act (BTA) Funding for Three Bicycle Lane/Route Projects. (Greater North Park, Mid-City, and Southeastern San Diego Community Areas. Districts 3, 4, and 8.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-111: Fourth Amendment to Agreement with Motorola, Inc., to Extend the Existing Agreement.  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-112: First Amendment to Consultant Agreement with Dokken Engineering for State Route 163 and Friars Road Project. (Mission Valley Community Area. District 6.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-113: Agreement with BRG Consulting, Inc., for Professional Services to Extend the Life of the Miramar Landfill.  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-114: Sewer Easement Abandonment – Sewer Group Job 697. (Barrio Logan Community Area. District 8.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-115: Ann Elizabeth Bernstein Day.  
COUNCILMEMBER ATKINS' RECOMMENDATION: Adopt the resolution.
- ITEM-116: Appointments to the Human Relations Commission.  
MAYOR MURPHY'S RECOMMENDATION: Adopt the resolution.
- ITEM-117: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (District 8.)  
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-118: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region. (District 8.)  
TODAY'S ACTION IS: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

ITEM-119:           Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).  
TODAY'S ACTION IS: Adopt the resolution.

ITEM-120:           Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.  
TODAY'S ACTION IS: Adopt the resolution.

Adoption Agenda, Discussion, Other Legislative Item

ITEM-200:           Appointments to the San Diego City Employees' Retirement System Board of Administration.  
MAYOR MURPHY'S RECOMMENDATION: Adopt the resolution.

Public Notices

ITEM-250:           **Notice** of Settlement of Property Damage Claim to Helen Engelhorn, et al.

ITEM-251:           **Notice** of Settlement of Property Damage Claim of Patricia Mesa and Joe Addonizio.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

**=== EXPANDED CITY COUNCIL AGENDA ===**

### **NON-AGENDA PUBLIC COMMENT**

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**COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

**REQUEST FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

**ADOPTION AGENDA, CONSENT ITEMS**

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (\*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to or at 2:00 p.m.

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

Items 50 and 51.

**ORDINANCES TO BE INTRODUCED:**

Items 52.

**RESOLUTIONS TO BE ADOPTED:**

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, and 120.

**ADOPTION AGENDA, CONSENT ITEMS**

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

- \* ITEM-50: Mesa Commons Rezone Designation for Property Located at 6456 El Cajon Boulevard.

(College Area Community Plan Area. District 7.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 3/1/2005, Item 337, Subitem C.  
(Council voted 9-0):

(O-2005-102)

Changing the zoning designation for a property located at 6456 El Cajon Boulevard, in the College Area Community Plan Community Plan Area, in the City of San Diego, California, from the RS-1-7 Zone to the RM-1-2 Zone, as defined by San Diego Municipal Code Section 103.1510.

- \* ITEM-51: Towne Centre Corporate Plaza Rezone Designation for Property Located at the Northwest Terminus of Towne Centre Drive.

(See City Manager Report CMR-05-047. University Community Plan Area. District 1.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 3/1/2005, Item 338, Subitem D.  
(Council voted 9-0):

(O-2005-85)

Changing the zoning designation for property located at the northwest terminus of Towne Centre Drive, in the University Community Plan Area, in the City of San Diego, California, from the RS-1-7 Zone (Previously referred to as the R-1 Zone) into the IP-1-1 Zone (Previously referred to as the SR Zone), as defined by San Diego Municipal Code Section 131.0602.

**ADOPTION AGENDA, CONSENT ITEMS**

**ORDINANCES TO BE INTRODUCED:**

- \* ITEM-52: Proposed Ten-Year Operating and Management Agreement for Downtown Property and Business Improvement District (PBID) Renewal.

(Centre City, East Village, Cortez, Marina, Gaslamp, Core Columbia Community Areas. District 2.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2005-108)

Introduction of an Ordinance authorizing the City Manager to execute the Operating and Management Agreement between the City of San Diego and Downtown San Diego Partnership, Inc., for the renewed Downtown Property and Business Improvement District.

**CITY MANAGER SUPPORTING INFORMATION:**

On behalf of benefiting property owners within the Downtown Property and Business Improvement District (PBID), the City has contracted with the Downtown San Diego Partnership (DSDP) for the provision of an enhanced level of services within the PBID since July 1, 2000. The PBID and the existing operating agreement between the City and DSDP will expire on June 30, 2005. PBID property owners are currently seeking to renew the PBID for another ten years beginning July 1, 2005.

The PBID renewal contemplates doubling annual property owner assessments from \$2.9 million to \$5.8 million for an increased array and frequency of enhanced maintenance services within the downtown PBID. If the PBID is renewed in accordance with State law and following a requisite property owner ballot process, the annual assessment for City owned property will increase \$121,795 from \$143,223 in FY 05 to \$265,018 beginning in FY 06. The City Council has the discretion to approve renewal of the PBID at the conclusion of the public hearing, which is anticipated to be scheduled in May 2005.

In order to proceed with the contemplated PBID renewal, PBID property owners have requested that terms be established for a new ten-year Operating and Management Agreement (OMA) between the City and DSDP. Numerous meetings between City departments providing services within the PBID and DSDP staff have established acceptable terms for a new ten-year OMA to become effective if the PBID is renewed for a ten-year term beginning July 1, 2005.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

\* ITEM-52: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

A notable change within the new OMA is that, in keeping with the citywide norm for public parks, the Park & Recreation Department would resume park maintenance responsibility for Gaslamp and Children's parks. The PBID would retain responsibility for maintaining the enhanced water features within the same parks. Over the past five years, the PBID has been responsible for maintaining both the parks and the water features within them partially utilizing an annual contribution of approximately \$72,500 from the Park & Recreation Department. Under the new OMA, the Park & Recreation Department would pay the PBID no more than \$58,595 annually (from the approximately \$72,500 budgeted annually for the City's share of overall maintenance for these parks) to partially fund the PBID's cost of contracting for enhanced water feature maintenance within the parks.

This action will initiate an ordinance authorizing the City Manager to execute, upon successful renewal of the PBID, a new OMA between the City and DSDP for a ten-year term beginning July 1, 2005.

**FISCAL IMPACT:**

If the new ten-year OMA is approved, the City will be obligated to allocate annually an additional \$121,795 for the City owned property assessment, and new funding (presently estimated at \$85,000) will be required for Park and Recreation to maintain the Gaslamp and Children's parks (to be addressed in the FY 06 budget). The City will also be obligated to partially fund PBID contract maintenance expenses for the public park water features located within the PBID (this is funding within the existing City budget). The OMA further obligates the PBID to budget \$130,000 annually for City administrative costs related to the PBID.

Herring/Cunningham

Staff: Jeff Kavar – (619) 533-4221

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

\* ITEM-100: Downtown Banner Program.

**DEPUTY MAYOR ZUCCHET'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-827)

Declaring by the Council of the City of San Diego as follows:

1. In accordance with San Diego Municipal Code Section 142.1210, banners may be installed on the following streets: Island Avenue from 1<sup>st</sup> Avenue to 3<sup>rd</sup> Avenue, J Street from 1<sup>st</sup> Avenue to 4<sup>th</sup> Avenue, K Street from 3<sup>rd</sup> Avenue to 4<sup>th</sup> Avenue, and 3<sup>rd</sup> Avenue from Market Street to K Street.
2. The Downtown San Diego Partnership will manage the banners.
3. The banners shall be installed in accordance with the following:
  - a. The banners shall not be used for commercial or political advertising, except that logos and trademarks of sponsoring organizations shall be permitted.
  - b. The total area of logos and trademarks shall be limited to five percent of the banner length.
  - c. The banners shall be displayed no more than 30 calendar days, with one 30-calendar-day extension.
  - d. The banners shall be installed only on light standards that have been equipped by the City with mounting hardware.
  - e. The banners have received all necessary permits to locate in the public right-of-way.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-101: Award of Contract to Pioneer Americas, LLC to Furnish Sodium Hypochlorite 12.5% in Solution.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-912)

Awarding the contract to the low bidder meeting specifications, Pioneer Americas, LLC, Walnut Creek, CA, accepted to furnish Sodium Hypochlorite 12.5% in solution for disinfection process and odor control, Bid No. 7317-05-T, as may be required for a period of one year beginning April 1, 2005, through March 31, 2006, for an estimated annual cost of \$1,206,437.96 (including tax), terms NET thirty days; with options to renew the contract for four additional one-year periods; with price escalations not to exceed 15% of prices in effect at the end of each prior contract year;

Declaring that the estimated Fiscal Year 2005 expenditure of an amount not to exceed \$301,609.50, from Fund No. 41506, Department No. 775, Organization No. 915, Object Account No. 3221, Job Order No. 2910, from Fund No. 41506, Department No. 775, Organization No. 935, Object Account No. 3221, Job Order No. 2930, from Fund No. 41506, Department No. 775, Organization No. 975, Object Account No. 3221, Job Order No. 2970, from Fund No. 41508, Department No. 771, Organization No. 110, Object Account No. 3221, Job Order No. 2110, from Fund No. 41508, Department No. 771, Organization No. 160, Object Account No. 3221, Job Order No. 2160, from Fund No. 41508, Department No. 771, Organization No. 262, Object Account No. 3221, Job Order No. 2262, from Fund No. 41508, Department No. 771, Organization No. 312, Object Account No. 3221, Job Order No. 2312, from Fund No. 41508, Department No. 771, Organization No. 412, Object Account No. 3221, Job Order No. 2412, from Fund No. 41508, Department No. 771, Organization No. 665, Object Account No. 3221, Job Order No. 2663, is solely and exclusively for providing funds for said contract;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

RESOLUTIONS: (Continued)

\* ITEM-101: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:**

City Council approval is requested to award a contract to Pioneer Americas, LLC, Walnut Creek, CA to furnish Sodium Hypochlorite for disinfection process and odor control at the City's Point Loma Wastewater Treatment Plant, Pump Stations 1, 2, 64, and 65, Penasquitos Pump Station Bid, Metropolitan Biosolids Center, North City Water Reclamation Plant and South Bay Water Reclamation Plant, Bid No. 7317-05-T, as may be required for a period of one (1) year beginning April 1, 2005 through March 31, 2006, for an estimated annual cost of \$1,206,437.96 (including tax), terms NET thirty days; with options to renew the contract for four (4) additional one (1) year periods; with price escalations not to exceed 15% of prices in effect at the end of each prior contract year.

This contract will replace an existing contract, which has no more optional contract periods remaining. Eighteen (18) potential bidders were contacted and two (2) bids were received per the tabulation. Award is recommended the low bidder meeting specifications, Pioneer Americas, LLC, Walnut Creek, CA.

**FISCAL IMPACT:**

FY 2005 Estimated Cost (April 1, 2005 through June 30, 2005): \$301,609.50  
Annual Estimated Cost (April 1, 2005 through March 31, 2006): \$1,206,437.96

Irvine/Rossmann

Aud. Cert. 2500781.

Staff: Walter Rossmann – (619) 236-5921

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-102: Award of Contract to Kemiron Companies, Inc., to Furnish Ferrous Chloride.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-911)

Awarding the contract to the low bidder meeting specifications, Kemiron Companies, Inc., Lawrence, Kansas, accepted to furnish Ferrous Chloride for wastewater treatment, Bid No. 7181-05-T, as may be required for a period of one year beginning March 20, 2005 through March 19, 2006, for an estimated annual cost of \$3,131,335.68 (including tax), terms NET thirty days; with options to renew the contract for four additional one-year periods; with price escalations not to exceed 25% of prices in effect at the end of each prior contract year;

Authorizing the estimated Fiscal Year 2005 expenditure of an amount not to exceed \$735,665.28, from Fund No. 41508, Department No. 771, Organization Fund No. 412, Object Account No. 3221, Job Order No. 2412, and not to exceed \$31,048.55, from Fund No. 41508, Department No. 771, Organization No. 312, Object Account No. 3221, Job Order No. 2312, and not to exceed \$110,060.16, from Fund No. 41508, Department No. 771, Organization No. 262, Object Account No. 3221, Job Order No. 2262, solely and exclusively, for providing funds for said contract;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

City Council approval is requested to award a contract to Kemiron Companies, Inc., Lawrence, Kansas, to furnish Ferrous Chloride for wastewater treatment, Bid No. 7181-05-T, as may be required for a period of one (1) year beginning March 20, 2005 through March 19, 2006 for an estimated annual cost of \$3,131,335.68 (including tax), terms NET thirty days; with options to renew the contract for four (4) additional one (1) year periods; with price escalations not to exceed 25% of prices in effect at the end of each prior contract year.



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-102: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

Ferrous Chloride is required by the Metropolitan Wastewater Department for wastewater treatment processes, to reduce hydrogen sulfide for odor control and reduce the need for ferric chloride and more expensive chemicals at the City's Point Loma Wastewater Treatment Plant, Pump Stations 1 and 2, Metropolitan Biosolids Center and Penasquitos Pump Station per Bid No. 7181-05-T. The Metropolitan Wastewater Department has used ferrous chloride in a pilot project as a wastewater treatment performance enhancer and to control hydrogen sulfide over the last year and it has proven to be effective.

This contract will replace an existing contract. Thirty two (32) potential bidders were contacted and two (2) bids were received per the tabulation. Award is recommended to the low bidder meeting specifications, Kemiron Companies, Inc., Lawrence, KS.

**FISCAL IMPACT:**

FY 2005 Estimated Cost (March 20, 2005 through June 30, 2005): \$876,773.99 Annual  
Estimated Cost (March 20, 2005 through March 19, 2006): \$3,131,335.68.

Irvine/Rossmann

Aud. Cert. 2500780.

Staff: Walter Rossmann – (619) 236-5921

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-103: Redevelopment Agency Funds for Homeless Programs.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-917)

Authorizing the City Manager to accept a loan repayment of \$75,000 from the Redevelopment Agency (Centre City Development Corporation), for deposit into Fund No. 19676 (Human Care Fund); and

Authorizing the City Auditor and Comptroller to appropriate and expend \$60,000 from Fund No. 19676 (Human Care Fund) for the Winter Shelter Program and \$15,000 from Fund No. 19676 (Human Care Fund) for the Neil Good Day Center for the Homeless, contingent on the funds being received from the Redevelopment Agency (Centre City Development Corporation); and

Authorizing the City Manager to negotiate and execute agreements with non-profit organizations necessary to expand service for the Winter Shelter Program (\$60,000) and the Neil Good Day Center for the Homeless (\$15,000).

**CITY MANAGER SUPPORTING INFORMATION:**

On November 8, 2004 the City Council approved the FY2005 Winter Shelter Program and directed the City Manager to identify funds to expand the shelter period from the traditional 90 days to 120 days. The estimated additional cost for the 30 day expansion is \$145,000. Sixty Thousand Dollars (\$60,000) of Sales Tax repayment from the Centre City Development Corporation (CCDC) from this action is recommended for the expansion. Eighty-Thousand Dollars of Community Development Block Grant Funds (CDBG) and \$5,000 of private donation money has been previously pledged to the expansion. The total budget of \$145,000 will provide the necessary funding to achieve the 120 day program goal. In addition, \$15,000 of CCDC Sales Tax repayment will support the operation of the Neil Good Day Center for the Homeless as the City attempts to address program upgrades required by a Conditional Use Permit (CUP) extension that was granted by the Planning Commission in December 2004.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-103: (Continued)

**FISCAL IMPACT:**

Sixty-Thousand for the Winter Shelter Program and \$15,000 for the Neil Good Day Center for the Homeless will be appropriated into Fund No. 19676, the Human Care Fund. Availability of these funds is contingent on the funds being received by Center City Development Corporation.

Frazier/Fischle-Faulk/EL

Aud. Cert. 2500785.

Staff: Ernie Linares – (619) 236-6719

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-104: Reprogramming of District Two and District Three Community Development Block Grant Funds.

(Various Community Areas. Districts 2 and 3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-904)

Authorizing the City Auditor and Comptroller to reprogram an amount not to exceed \$17,870 by transferring funds from FY 03 Engineering and Capital Project Management Fund, Fund 18538, Dept. 4250, Org. 5003, JO 000001, to District 2's CDBG Reserve Fund 18540, Dept. 4316, Org. 1602;

Authorizing the City Auditor and Comptroller to reprogram an amount not to exceed \$95,975.24 by transferring funds from Bayview Terrace Elementary Joint-Use Facility Fund 18537, Dept. 4234, Org. 3406, JO 298360, to District 2's CDBG Reserve Fund 18540, Dept. 4316, Org. 1602;

Authorizing the City Auditor and Comptroller to reprogram an amount not to exceed \$133,500 from Teralta Neighborhood Park Fund 18538, Dept. 4253, Org. 5310, and allocate these funds to the following:

1. \$20,000 to City of San Diego, Winter Shelter Fund 18540, Dept. 4298, Org. 9856;
2. \$50,000 to North Park Family Health Center Fund 18540, Dept. 4292, Org. 9244;
3. \$60,000 to SD Workforce Partnership, Metro Career Ctr., Head Start Facility Fund 18540, Dept. 4292, Org. 9245; and
4. \$3,500 to Council District 3 CDBG Reserve Fund 18540, Dept. 4316, Org. 1603.

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

RESOLUTIONS: (Continued)

\* ITEM-104: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:**

1. Council District Two wishes to reprogram prior year "unobligated" CDBG funds (\$17,870 from FY 03 Engineering and Capital Project Management and \$94,975 from Bayview Terrace Elementary Joint-Use Facility) and move these funds to District 2 CDBG Fiscal Year 2005 Reserves. These funds will be available for future CDBG eligible priorities identified by Council District 2.
2. Council District Three wishes to reprogram prior year CDBG funds from a project that has an unobligated balance to the current program year for the purpose of funding 3 additional eligible projects and moving the remaining funds into District 3 reserves. The funds (\$133,500) are reprogrammed from Teralta Neighborhood Park, CDBG Fund 18538, Dept. 4253, Org. 5310 and allocated to the following:
  - 1) City of San Diego, Winter Shelter, \$20,000
  - 2) North Park Family Health Center, \$50,000
  - 3) SD Workforce Partnership, Metro Career Ctr., Head Start Facility, \$60,000
  - 4) Council District 3 CDBG Reserves, \$3,500

**FISCAL IMPACT:**

Funds for this action are available in the Community Development Block Grant (CDBG) Program.

Herring/Cunningham/ELL

Aud. Cert. 2500772.

Staff: Anita Pyle – (619) 236-6944

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-105: Amendment No. 3 to the Agreement with Tran Consulting Engineers for Professional Services to Perform Additional Condition Assessment of Sewer Mains and Televising the East Mission Gorge Force Main.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-881)

Authorizing the City Manager to execute Amendment No. 3 to the Agreement with Tran Consulting Engineers for professional services to perform additional condition assessment of sewer mains and televising the East Mission Gorge force main (Amendment No. 3), under the terms and conditions set forth in the Amendment No. 3;

Authorizing the expenditure of an amount not to exceed \$329,958 from Fund 41506, Department 773, Org. No. 820, Job Order 8206, to provide funds for Amendment No. 3;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

On June 14, 2004 (Resolution No. 299327), the City Council approved the agreement for consulting services with Tran Consulting Engineers, for the purpose of televising an estimated 90 miles of the sewer mains for a Not-To-Exceed amount of \$2,053,691. Pursuant to an option within the contract that allows the agreement to be extended for two (2) additional years in one (1) year increments, this request is to amend Tran Consulting Engineers' contract for an amount of \$329,958 and extend this agreement for one (1) year. No other amendments are anticipated.

The work being performed under this agreement consists of televising selected sewers, located in various parts of the City of San Diego, and to assess their existing condition. With this agreement, an additional 15 miles of City gravity sewers ranging from 6 inches to 96 inches in diameter will be televised and assessed for a total of 105 miles for the entire contract. Approximately 10 miles of these are located in remote areas (i.e. open space areas, canyons, and backyards) but most can be accessed via existing utility paths. Where there is no existing access path, the consultant will hand-carry equipment to the inspection site.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-105: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

The consultant will also prepare inspection reports to document the observed condition of pipelines and any structural defects. This report will be instrumental in evaluating the condition of sewer mains and identifying locations where rehabilitation, replacement, or cleaning of sewer facilities is required.

The additional inspection and report work will be completed within three hundred sixty five (365) days from the Notice to Proceed date. The agreement includes an option to extend the agreement for one additional period of one (1) year. This contract is a continuation of the City's program to inspect sewer pipes.

**FISCAL IMPACT:**

The total cost for this action is \$329,958 from fund No. 41506, Department 773, Org. No. 820, and Job Order 8206.

Mendes/Tulloch/DG

Aud. Cert. 2500742.

Staff: Dean Gipson – (858) 292-6480

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-106: Collection of Enterprise Zone Application Fee.

(See City Manager Report No. CMR-05-045. Centre City, East Village, Logan Heights, Barrio Logan, Sherman Heights, Southeastern San Diego, Encanto, San Ysidro, Otay Mesa/Nestor, and Otay Mesa Community Areas. Districts 2, 4, and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-818)

Authorizing the collection of an application fee by the Enterprise Zone administrator for each application it accepts for issuance of a certificate pursuant to California Revenue and Taxation Code Section 17053.74(c) and California Revenue and Taxation Code Section 23622.7(c).

Staff: Jeff Kavar (619) 533-4221



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-107: Task Order for MEC Analytical Systems, Inc. for Services Related to the Mission Bay Source Identification Study.

(Mission Bay Community Area. Districts 2 and 6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-913)

Authorizing the City Manager to issue a task order to MEC Analytical Systems, Inc., under the as-needed wet weather monitoring services agreement, for services related to the Mission Bay Source Identification Study;

Authorizing the expenditure of an amount not to exceed \$116,983 from the State Clean Beaches Initiative Grant – Mission Bay Source Identification Study, Fund No. 38360, solely and exclusively, to provide funds for the above task order.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego entered into an As Needed Wet Weather Monitoring Services Agreement with MEC Analytical Systems, Inc. (RR-294115, November 14, 2000). The compensation limit in the agreement was set at an amount not to exceed \$1,000,000 per year.

On November 19, 2001, the Council authorized the City Manager to obtain funds from the State Water Resources Control Board Clean Beaches, Proposition 13, Coastal Nonpoint Source Program for the Mission Bay Bacteria Source Identification project. Subsequently, the City entered into an Agreement with the State of California in the amount of \$1,300,000 and two limited staff positions were hired. During execution of the project, the Storm Water Pollution Prevention Division was unable to fill the staff vacancies that occurred in order to complete the water quality activities. The State Water Resources Control Board approved an amendment to the Agreement acknowledging that the grant-required work would be conducted by the City's consultant in lieu of City staff. MEC will complete the grant-required water quality activities that had been designated for completion by City staff.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-107: (Continued)

**FISCAL IMPACT:**

Funds are available from the State Clean Beaches Initiative grant Mission Bay Source Identification Study (Fund 38360).

Mendes/Tulloch/TM

Aud. Cert. 2500666.

Staff: Tracy Mangum – (619) 525-8567

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

\* ITEM-108: Construction of Electronic Speed Limit Signs in Scripps Miramar Ranch.

(Scripps Miramar Ranch Community Area. District 5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-902)

Amending the Fiscal Year 2005 Scripps Miramar Ranch Public Facilities Financing Plan by adding Project 34-73;

Authorizing an increase in the amount of \$75,000 in Fiscal Year 2005 Capital Improvements Program Budget in CIP-61-001.0 Traffic Control and Calming Measures;

Authorizing the City Auditor and Comptroller to appropriate and expend \$75,000 from CIP-61-001.0, Traffic Control and Calming Measures, from Fund 79007, Scripps Miramar Ranch FBA, for the purpose of constructing six electronic speed limit signs in Scripps Miramar Ranch;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

This project will install six electronic speed limit signs in the Scripps Miramar Ranch community. These signs are traffic calming devices that may be installed on streets where speeding vehicles are a major concern. These signs are effective in reminding motorists that they are speeding and may encourage them to slow down. These signs have a built-in radar system that detects the speed of approaching vehicles and allows it to display that speed or use that information to display a predetermined message. The signs are programmable so that more than one message may be displayed, such as "YOUR SPEED XX," "SLOW DOWN," or "SPEED LIMIT XX," depending on the vehicles approaching speed. Electronic speed limit signs are proposed at the following six locations:

- Scripps Trail Drive at Rue des Amis facing southbound traffic.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-108: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

- Cypress Canyon Park Drive near Cypress Canyon Community Park facing northbound traffic.
- Ironwood Road east of Tudor Street facing eastbound traffic.
- Semillon Boulevard south of Clearwood Court facing southbound traffic.
- Aviary Drive at Aviary Court facing southbound traffic.
- Angelique Street south of Scripps Poway Parkway.

All of the above locations have been evaluated and recommended for installation by City staff based on the affected street's speeding history, traffic volumes, and current speed data. In addition, these locations have been reviewed and agreed to by the Scripps Ranch Community Planning Group.

The estimated total cost of this project is \$75,000.

**FISCAL IMPACT:**

Funds in the amount of 75,000 will be added to CIP-61-001.0 for the Scripps Miramar Ranch FBA Fund 79007.

Mendes/Boekamp/DVW

Aud. Cert. 2500776.

Staff: Duncan Hughes – (619) 533-3757

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-109: Water Meter Box Replacement Projects Minor Construction Program.

(See memorandum from Frank Belock dated 2/2/2005. Various Community Areas. Districts 1-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-893)

Authorizing the City Manager or his duly designated representative to award eight contracts for the replacement of damaged water meter boxes throughout the City (Contracts) through the Minor Construction Program for a total of \$1,150,000;

Authorizing the expenditure of \$1,600,000 from Water Fund 41500, Org 5372, Water Meter Box Replacements, Water Department Operations Division, solely and exclusively for the purpose of providing funds for the Contracts and related costs;

Authorizing the City Auditor and Comptroller, upon advice from the administering Department, to transfer any excess budgeted funds to the appropriate reserves.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 2/9/2005, NR&C voted 3 to 0 to approve the item with direction for staff to provide a list of the meter box locations. (Councilmembers Atkins, Maienschein, and Frye voted yea. Councilmembers Young and Madaffer not present.)

**SUPPORTING INFORMATION:**

Citywide, there are approximately 3,600 broken and/or damaged concrete water meter boxes that are part of the City's water system. The City's Risk Management Department has received claims as a result of damaged meter boxes and the meter boxes must be replaced in order to reduce any further liability to the City. In order to expedite the replacement of the damaged concrete boxes, the Water Department intends to utilize the City's Minor Construction Program and its competitive bid process.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-109: (Continued)

**SUPPORTING INFORMATION:** (Continued)

The Minor Construction Program is being used as this type of work lends itself to small and emerging contractors and will provide them work while the City's CIP program has been temporarily reduced. These contractors will be used to eliminate the backlog and then the routine replacement will be resumed by City employees.

Replacement of the meter boxes will be divided into eight (8) individual projects/construction contract groups, at an estimated cost of less than \$150,000 for each construction contract group. The total cost of the eight (8) project groups including all related costs is \$1,600,000.

**FISCAL IMPACT:**

An amount not to exceed \$1,600,000 from Water Fund 41500, Org 5372, Water Meter Box Replacements, Water Department Operations Division, is available for the purposes of providing funds for contracts and related costs.

Mendes/Belock/ADD

Aud. Cert. 2500714.

Staff: Mark Stone – (619) 527-7431

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-110: Expend Bicycle Transportation Act (BTA) Funding for Three Bicycle Lane/Route Projects.

(Greater North Park, Mid-City, and Southeastern San Diego Community Areas. Districts 3, 4, and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-901)

Authorizing the City Manager to accept, appropriate, expend and take all necessary actions to secure a total of \$226,500 in Bicycle Transportation Act (BTA) grants from the State of California, Department of Transportation, for the purpose of installing bike lanes/routes for three bicycle projects;

Authorizing the City Auditor and Comptroller to establish the following special interest bearing grant funds for Bicycle Transportation Act (BTA) grants from the State of California, Department of Transportation: Fund 38370, Island Avenue/Market Street Bikeway Grant; Fund 38371, 35th Street Bike Project Grant; and Fund 38372, Utah Street Bike Lane Project Grant;

Authorizing the addition of the following projects to the Fiscal Year 2005 Capital Improvements Program:

- CIP-58-185.0, Island Avenue/Market Street Bikeway from Interstate 5 to 28<sup>th</sup> Street
- CIP-58-186.0, 35th Street Bikeway from Adams Avenue to Wightman Street
- CIP-58-187.0, Utah Street Bike Lane from Upas Street to Collier Street;

Authorizing the transfer of \$26,000 from Fund 10440, Street Division Operating Fund, to Fund 104402, Street Division Capital Improvements Fund, for the purpose of providing the City's matching funds for the BTA grants;

Authorizing an increase in the amount of \$252,500 in the Fiscal Year 2005 Capital Improvements Program Budget as follows: \$103,000 in Fund 38370; \$45,000 in Fund 38373, \$78,500 in Fund 38372 and \$26,000 in Fund 104402;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-110: (Continued)

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$115,000, CIP-58-185.0, Island Avenue/Market Street Bikeway, of which \$103,000 is from Fund 38370 and \$12,000 is from Fund 104402, for the purpose of constructing a Class II Bikeway on Island Avenue from Interstate 5 to 28th Street, contingent upon the receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$50,000, CIP-58-186.0, 35th Street Bike Project, of which \$45,000 is from Fund 38371 and \$5,000 is from Fund 104402, for the purpose of constructing a Class II Bikeway on 35th Street from Adams Avenue to Wightman Street, contingent upon the receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$86,500 from CIP-58-187.0, Utah Street Bike Lane Project, of which \$78,500 is from Fund 38372 and \$9,000 is from Fund 104402, for the purpose of constructing a Class II Bikeway on Utah Street from Upas Street to Collier Avenue, contingent upon receipt of a fully executed grant agreement;

Noting that the authorization to approve the appropriation and expenditure of these funds does not constitute a decision to proceed with construction of the projects as proposed and further does not foreclose the analysis that would ordinarily be a part of environmental or permit review;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego has applied for and received approval from the State of California, Department of Transportation, for a Bicycle Transportation Account (BTA) Grant for three bicycle projects to install bicycle lanes/routes in the amount of \$226,500. The City is required to provide 10% minimum matching funds of the total cost of the projects and will provide \$26,000 from the General Services Department/Street Division Capital Improvement Fund, Fund 104402.



**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

RESOLUTIONS: (Continued)

\* ITEM-110: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

The three bicycle projects are described as follows:

1. Install Class II bike lanes on Island Avenue between Interstate 5 and 28th Street, Market Street between 32nd Street and 40th Street, and Market Street between Toyne Street and Interstate 805. Install Class III bike routes on Island Avenue between 28th Street and 32nd Street and on Market Street between Interstate 805 and Euclid Avenue.
2. Install Class II bike lanes along 35th Street between Adams Avenue and Polk Avenue and between University Avenue and Wightman Street. Install Class III bike route on 35th Street between Polk Avenue and University Avenue.
3. Install Class II bike lanes on Utah Street between Collier Avenue and Upas Street.

**FISCAL IMPACT:**

The City of San Diego will receive a maximum total of \$226,500 from State of California, Department of Transportation, for Bikeway Projects. Approximately \$26,000 will be spent from the City of San Diego, General Services Department, Street Division Capital Improvement Fund, Fund 104402.

Mendes/Boekamp/DZ

Aud. Cert. 2500758.

Staff: Larry Van Wey – (619) 533-3005

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-111: Fourth Amendment to Agreement with Motorola, Inc., to Extend the Existing Agreement.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-853)

Authorizing the City Manager to execute a Fourth Amendment to the Agreement with Motorola, Inc., to extend the existing Agreement, as modified by prior amendments, through September 23, 2010, under the terms and conditions set forth in the Fourth Amendment.

**CITY MANAGER SUPPORTING INFORMATION:**

This Fourth Amendment is to extend the agreement by and between the City of San Diego and Motorola, Incorporated for an additional five-year period, ending on September 23, 2010.

On September 23, 1990, the City of San Diego entered into a 15-year agreement with Motorola, Inc. (RR-276605) to provide equipment and services for the 800 MHz Trunked Radio System. The original agreement was amended on April 6, 1992 (RR-279730) and on April 17, 1995 (RR-285604) for system expansions. The original agreement was also amended on October 2, 1995, to exercise the City's right to extend the agreement.

The City's 800 MHz Trunked Radio System is a proprietary system and Motorola, Inc. is the manufacturer and sole supplier of equipment and services related to this system. This Fourth Amendment will allow the City to be able to continue to purchase required equipment and services until such time that a new radio system may be procured.

Arellano

Staff: Mike O'Brien – (619) 525-8692

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-112: First Amendment to Consultant Agreement with Dokken Engineering for State Route 163 and Friars Road Project.

(Mission Valley Community Area. District 6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-910)

Authorizing the City Manager to execute a First Amendment to the Agreement with Dokken Engineering, for professional engineering services for the State Route 163 and Friars Road Project, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$400,000 from CIP-52-455.0, State Route 163 and Friars Road, Fund 38981, Regional Surface Transportation Program Funding, for the purpose of providing funds for the above referenced Project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department to transfer excess funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed project would provide improvements to the State Route 163/Friars Road interchange and Friars Road in order to accommodate traffic within the interchange area due to new development in Mission Valley and in accordance with the Community Plan. The design of the project would be done in two phases. Phase I consists of the preparation of a Caltrans Project Report and Environmental Clearance, which includes mapping, development and analysis of preliminary design alternatives, preparation of environmental documents and geotechnical reports, value engineering analysis and project estimates. Phase II would include the preparation of construction documents (plans, specifications and estimates) and construction design support of the recommended alternative.

On June 3, 2003, per RR-298019, the City Council approved a consultant agreement with Dokken Engineering for providing a Project Report and Environmental Clearance for the State Route 163 and Friars Road to proceed with Phase I of the project.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-112: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

This First Amendment to the Agreement is for additional work associated with the improvements to the State Route 163/Friars Road interchange and Friars Road Project that was not included in the Original Agreement. Changes in the scope of work are due to increasing the limits of the project in order to resolve traffic and engineering design issues such as accommodating minimum Level of Service, existing weaving inadequacies, and the need for auxiliary lanes. The original limits were: 0.5 miles north of Friars Road, the MTDB trolley line to the south, and Frazee Road to the east; these limits have been revised to: Genesee Avenue to the north, Interstate 8 to the south, and Mission Center Road to the east. These changes have resulted in the need for additional engineering and environmental studies.

**FISCAL IMPACT:**

Funding necessary for this action in the amount of \$400,000 is available from CIP-52-455.0, State Route 163 and Friars Road, Fund 38981, Regional Surface Transportation Program Funding.

Mendes/Boekamp/DZ

Aud. Cert. 2500779.

Staff: Mark Koll – (619) 533-3669

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-113: Agreement with BRG Consulting, Inc., for Professional Services to Extend the Life of the Miramar Landfill.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-946)

Authorizing the City Manager to execute an agreement with BRG Consulting, Inc., to provide environmental and engineering services relating to extension of the useful life of Miramar Landfill, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$280,000 from Refuse Disposal Fund No. 30244, solely and exclusively, to provide funds for the above agreement.

**CITY MANAGER SUPPORTING INFORMATION:**

The City's Miramar Landfill is currently scheduled to close in 2012. The City is investigating options to extend the life of this facility. This contract is for services that include two categories: engineering and environmental review. Consultants will assist the City in evaluating and applying for permits for a vertical expansion, and in evaluating possible alternative technologies, such as bioreactor technologies. In a bioreactor landfill, the decomposition process is accelerated by the addition of liquids, thereby creating additional landfill space. The resulting analyses and deliverables will be focused on extending the life of the Miramar Landfill.

Four consulting firms were interviewed and this partnership of BRG and Shaw Environmental was selected as having the best background and expertise to address these issues.

**FISCAL IMPACT:**

This action is for authority to expend up to \$280,000 for consultant services. All funds to be expended are from the Refuse Disposal Fund.

Mendes/Heap/LFW

Aud. Cert. 2500789.

Staff: Lisa Wood – (858) 573-1236

**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

\* ITEM-114: Sewer Easement Abandonment – Sewer Group Job 697.

(Barrio Logan Community Area. District 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-907)

Authorizing the City Manager, or his designee, to execute a Quitclaim Deed, conveying to the San Diego Unified School District all of the City's right, title, and interest in the sewer easement executed on January 18, 1982, along and across the alley in Block 93, adjacent to Lots 1 through 4 and Lots 45 through 48, Mannassee and Schiller's Addition, Map 209, vacated as shown on Drawing No. 15489-B, on file in the Office of the City Clerk as Document No. RR-25502, as shown and legally described in Exhibit A to the Quitclaim Deed, for the purpose of vacating and abandoning the easement no longer required by the City due to the transfer of the existing sewer main to the San Diego Unified School District.

**CITY MANAGER SUPPORTING INFORMATION:**

The City's Sewer Group Job ("GJ") 697 project included rehabilitation of the existing sewer main along with installation of a portion of new sewer main in the public right-of-way, adjacent to San Diego Unified School District ("District") property, in the vicinity detailed on the attached plat.

The repairs to the existing sewer main have been completed. Notice of completion was filed August 7, 2003, and the City has transferred ownership to the District of that portion of the sewer main which lies within District property, and which solely serves District property. Therefore, the easement rights associated with this portion of sewer main are to be abandoned and quitclaimed to the District by the City. Because these easement rights were obtained at no cost to the City through the Subdivision process, no payment is due from the District for the abandoned easement rights.

This action authorizes the City Manager to execute a quitclaim Deed conveying the all of the City's interest in the unneeded sewer easement to the San Diego Unified School District.

**FISCAL IMPACT:**

None.

Herring/Griffith/DY

Staff: Steve Geitz – (619) 236-6311

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-115: Ann Elizabeth Bernstein Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2005-905)

Recognizing the community service of Anne Elizabeth Bernstein, and commending her for her years of commitment and dedication to the young adults of San Diego and Urban Corps;

Proclaiming February 25, 2005, to be "Ann Elizabeth Bernstein Day" in the City of San Diego.

\* ITEM-116: Appointments to the Human Relations Commission.

(See memorandums from Mayor Murphy dated 3/4/2005 and Councilmember Peters dated 2/4/2005, with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-934)

Council confirmation of the appointments by the Mayor of the City of San Diego, to serve as members of the Human Relations Commission, for terms ending as indicated:

**APPOINTMENT**

**TERM ENDING**

Joyce Singer Abrams – District 1 Representative  
(Replacing Gitfon Cheung, who resigned)

July 22, 2005

Julia A. Legaspi – City at Large (Scripps Ranch, District 5)  
(Replacing Kaneko Oshima Bishop, who resigned)

July 22, 2006

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-117: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-803)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

- \* ITEM-118: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District 8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-830)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.



**ADOPTION AGENDA, CONSENT ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

- \* ITEM-119: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-834)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

**CITY MANAGER SUPPORTING INFORMATION:**

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

- \* ITEM-120: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-590)

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

## RESOLUTIONS:

ITEM-200: Appointments to the San Diego City Employees' Retirement System Board of Administration.

(See memorandums from Mayor Murphy dated 2/25/2005, 3/3/2005, and 3/9/2005 with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-899 Cor. Copy 2)

Council confirmation of the following appointees by the Mayor, to serve as members of the newly composed San Diego City Employees' Retirement System Board of Administration, for terms indicated:

<b><u>APPOINTEE</u></b>	<b><u>TERM ENDING</u></b>
Theodore D. Roth	March 31, 2007
Susan H. Snow	March 31, 2007
Peter Preovolos	March 31, 2007
Thomas E. King (Council District 5)	March 31, 2009
Thomas A. Page	March 31, 2009
William J. Sheffler	March 31, 2009
Robert H. Wallace (Council District 2)	March 31, 2009

Stating that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that Theodore D. Roth, Susan H. Snow, Peter Preovolos, Thomas A. Page, and William J. Sheffler, are residents of San Diego County, but not the City of San Diego, and each have unique qualifications to serve as members of the Board, therefore, a conscious exception to Council Policy 000-13 is hereby declared.

**PUBLIC NOTICES:**

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: **Notice** of Settlement of Property Damage Claim to Helen Engelhorn, et al.

(R-2005-895)

Adopted as Resolution R-300183 on February 28, 2005.

A Resolution approved by the City Council in Closed Session on Monday, February 28, 2005, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Young-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the sum of \$43,446.28 in complete settlement of each and every claim against the City of San Diego, its agents and employees, resulting from property damage claim of Helen Engelhorn, et al. on June 29, 2004;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$43,446.28 made payable to Luth and Turley, Inc.

**CITY MANAGER SUPPORTING INFORMATION:**

This constitutes the complete and final settlement of a litigated claim, which arises from a sewer backup incident on June 29, 2004.

Lexin/Lopez/JE

Aud. Cert. 2500769.

**NOTE:** This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

**PUBLIC NOTICES: (Continued)**

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: **Notice** of Settlement of Property Damage Claim of Patricia Mesa and Joe Addonizio.

(R-2005-896)

Adopted as Resolution R-300184 on February 28, 2005.

A Resolution approved by the City Council in Closed Session on Monday, February 28, 2005, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Young-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the additional sum of \$133,901.85 in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from property damage claim of Patricia Mesa and Joe Addonizio;

Authorizing the City Auditor and Comptroller to issue a check in the amount of \$133,901.85 made payable to Luth and Turley, Inc.

**CITY MANAGER SUPPORTING INFORMATION:**

This constitutes the complete and final settlement of the Property Damage Claim to Patricia Mesa and Joe Addonizio against the City of San Diego, its agents and employees, as a result of an incident which occurred on September 12, 2002.

Lexin/Lopez/JC

Aud. Cert. 2500767.

**NOTE:** This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

**NON-DOCKET ITEMS**

**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

**ADJOURNMENT**